FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APR 01 2008
DAVID J. MALAND, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

STANDING ORDER

WHEREAS: The venire for the trial of civil and criminal cases is drawn from the counties comprising the Division for the Eastern District of Texas in which the cases are pending; and

WHEREAS: The parties to such cases, primarily complex civil cases, routinely conduct mock trials, focus groups, or similar studies in preparation for the trials of such cases; and

WHEREAS: Participation in such studies increases the risk that otherwise qualified venire members will be disqualified from jury service either through participation in such studies or other extrajudicial knowledge concerning the facts of the case or the law to be applied; and

WHEREAS: Such risk threatens the administration of justice.

IT IS THEREFORE ORDERED:

That in all cases assigned to the Hon. David Folsom, the Court strongly discourages the parties from conducting mock jury trials, focus groups, or similar studies in which any mock jurors or similar participants reside in the division where the case is pending.

IT IS FURTHER ORDERED:

That in cases in which such a study has been conducted, the following procedures shall apply:

The party or parties who commission the study shall retain, to the extent practicable, the name and address of each participant in the study. If the case is not disposed of by settlement or otherwise, the party or parties who commissioned the study shall advise all other parties to the

case, as well as the court, in writing, that such a study occurred. Such notice shall be provided at least ten (10) days before the pre-trial conference. Upon receipt of any jury list, the party or parties who commissioned the study shall immediately cross-reference the jury list with the identities of the participants and advise all other parties to the case and the court of any prospective juror who participated in any study. Before jury selection, the party or parties who commissioned the study shall provide the names and addresses of all participants in the study to the court *in camera*.

So **ORDERED** and **SIGNED** this 1st day of April, 2008.

DAVID J. FOLSOM
UNITED STATES DISTRICT JUDGE